

VIRGINIA ARGUS.

[XIVth YEAR.]

A FREE PRESS MAINTAINS THE SOVEREIGNTY OF THE PEOPLE

[No. 1265.]

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TUESDAY, JUNE 3, 1806.

[12 1-2 Cent Single.]

MARSHAL'S SALES.

TO be sold, for ready money, under a decree of the court of the United States, for the fifth circuit in the Virginia district, between Phineas Bond, attorney for the creditors of Ezekiel Edwards, plaintiff, and David Ross and others, defendants, in order to raise the sum of 11,450 dollars 94 cents, due and payable on the 1st Jan. last, that valuable and well known estate in the county of Botetourt, called

FORT LEWIS,

Stated by the said Ross to contain 2678 acres. The sale will take place on the premises on Monday the 14th day of July next.

This estate having been before advertised and the sale postponed, it is deemed necessary to apprise the public, that though the sales formerly announced were postponed, on account of payments received from the defendant Ross, the sale last advertised would have taken place but for a mistake in the advertisement. The subscriber has no reason to suppose that the one now advertised will not take place, and if, contrary to his expectation, it should again be put off, the earliest public notice will be given, that those who are disposed to become purchasers, may not be put to any unnecessary trouble.

BEN MOSBY, D. M. for
JOSEPH SCOTT, M. V. D.
(ids)

May 26, 1806

For Sale, by the subscriber,

25 Hds. Leaf Sugar
30 Hds. N. E. Rum
250 Casks Stone Lime (branded Knox)
2000 lbs. Pepper
20 Boxes Cotton and Wool Cards
100 lbs. Spanish Flax and Indigo
50 Pieces White & Plaitillas
50 do. Brown
20 Casks Cur Nails and Brads, assorted
A few Casks of Raisins, assorted
8 by 10 Window Glass
A general assortment of Shoes.

Henry Hovey.

May 26, 1806.

Lownes & Peirce,

OPPOSITE the Bell Tavern and corner of the street leading to the river, have just received a large quantity of the first quality

BACON,

from Isle of Wight, cur'd by Robert and Richard Ricks.—Also, on hand, a general assortment of

GROCERIES.

A constant supply of the above articles will be kept and sold on the lowest terms.

May 30, 1806

LAND FOR SALE.

THE subscriber wishes to sell the TRACT of LAND whereon he now resides containing upwards of 1300 acres, situate in Buckingham county, within five and a half miles of New Canton and three from Mr. Scott's Manufacturing Mill; there is a good dwelling-house upon it, with all the necessary out-buildings, garden, &c. The situation is beautiful and as healthy as any in this part of the country; there is 2 or 300 acres of this land cleared and inclosed in good fences and in fine order for raising of small grain and grass.

He wishes also to sell a tract of 409 acres, situate in the same county, within seven miles of New Canton; there are two small dwelling-houses upon this land, barns, tobacco houses, &c. the plantation in good order for cropping.

A credit of one, two and three years will be given a purchaser of either or both of the above mentioned tracts of land, upon his giving bond and approved security, and a deed of trust upon the property to secure the payment; or I would receive in payment, military land lying in Tennessee or Kentucky. For terms apply to Daniel or William Guerrant in New Canton, or the subscriber.

PETER GUERRANT.

May 26, 1806.

(3w)

CONGRESS.

HOUSE OF REPRESENTATIVES.

MONDAY, April 7.

SPANISH AFFAIRS.

Debate on the motion of Mr. J. Randolph to publish the President's Message.

[CONTINUED.]

Mr. J. CLAY. I must say that the observations which have fallen from my colleague and other gentlemen who have taken a part in this debate, have strongly impressed me with the propriety of the motion under consideration. There appears to be a material difference of opinion as to the true construction of the message and the documents communicated by the president. It is apparent that I understand those communications in one way, and my colleague in another. We have been told that one nation, France, has been improperly dragged into this discussion. The message of the president, ought, in my opinion, to be published to show that this is not so. There are other sources of differences of opinion which can only be understood by giving publicity to the message. Gentlemen have gone into long detail of the motives which governed them in the votes which they have given. It is not necessary for me to imitate the example they have set. I hope when my motives are called in question, it will be before the public and not here. I shall be ready to defend them by all the means I possess, the vote of this house notwithstanding. I believed when the injunction of secrecy was removed, it was removed from all our proceedings, and I considered all that was laid before this house as so

far my property that I had a right to use it in my defence. We have been told there is one for voting against the resolution—that a standing army was proposed to be raised by it while the militia would have answered every useful purpose.—This may be a very good and popular argument, but we have been within a few days told from the same quarter, that it is necessary to have a brigadier general in the armies of the United States to defend one of these very provinces attacked by Spain. Some allusion has been made to a conversation held out of doors, and my colleague has shown some squeamishness to act on such authority. But I will ask him if he invariably makes up his votes from official documents laid on this table, and whether he does not sometimes travel out of the record. When a gentleman tells you such and such a thing, in which the honor of the nation is implicated, ought he to be considered as out of order? Was it not his duty to give that information to the house? I will say, if I had been acquainted with those things, my doubts as to the propriety of the appropriation of two millions would have been much increased. Permit me here to observe, that when a gentleman intimated that the money was already gone out of the country, no man in his senses could have dreamt that it was intended to assert that it was sent out in so many actual Spanish milled dollars. Does the secretary of the treasury, when he informs us there are so many dollars in the treasury, mean to say there are so many round silver dollars there? No. He only means to say we have a credit to that amount. So with regard to our transactions with Spain, I understand that our credit is in Holland, and that the fund is created there from which we are to draw. Is not this to all intents and purposes, the same as transmitting the money to Holland? When a man pays a debt, is it to be supposed that he carries the actual dollars with him? To say the least of such an objection it is a mere quibble. As there is a material difference of opinion as to the construction of the documents and the message of the president, it is a duty which we owe to ourselves, to lay before the people all the information on which we acted, that we may stand justified or condemned by it before the people.

Mr. EPES. I regret that a period has at length arrived, when our public conduct is to be submitted to the people. When what we have done in our representative capacity is collected and set forth in eloquent representation, on the floor of what other gentlemen would not do, but from the record of our proceedings. The secret is out—the bubble has burst, and gentlemen find themselves and the public disappointed. I consider the publication of the secret journal as an appeal to the people. I am willing to indulge gentlemen in making it as perfect as they can. I shall vote for the amendment of the gentleman from Virginia, or for any other calculated to bring this subject fairly before those to whom we are responsible for our conduct. The journal is the best answer to their speeches. Amend it as they will they cannot realise the public expectations. Its publication, I firmly believe, will excite no sentiment but surprise. On the day the injunction of secrecy was taken off, your doors were crowded with persons anxious to hear this tremendous secret. I witnessed nothing but disappointment. Congress has appropriated two millions of dollars to buy Florida. Is this all? Have you not confiscated the public debt? Or at any event the Louisiana stock? Most certainly you have voted money to bribe Talleyrand? No, I assure you, we have done nothing more than appropriate two millions of dollars for the purchase of Florida in a law, containing precisely the same words with the one passed for that purpose, in the year 1806, and supported by the very persons who have denounced this measure. Gentlemen have attempted to draw a distinction between the situation of the U. S. in the year 1803, and in the year 1806. I am not so uncandid as to say that the present differences with Spain, are precisely such as we had in the year 1803. This, however, I will say—that every objection urged against the present appropriation, applies with equal force to the measure of 1803. Let us examine what was the situation of the United States with Spain at these two periods.

In the year 1803, Spain had committed spoliation on our commerce to a considerable amount, the payment of which had been either wholly or in part refused. She had cut off the whole western country, from an outlet to the ocean, by prohibiting a deposit at Orleans, and refusing to assign an equivalent one elsewhere, as stipulated by treaty. The remedy adopted by the collected wisdom of the nation was holding in readiness, a detachment of militia, and making a secret appropriation to buy Florida.

In the year 1806, Spain had refused an amicable adjustment of limits—had refused to pay spoliation on our commerce—had in one instance violated our territory. The remedy resorted to, has been to hold in readiness a detachment of militia, and to appropriate money for the purchase of Florida.

This was the situation of the nation at these two periods. Whether at either period, the wisest course has been pursued, I shall not attempt to prove. In both cases the nation adopted the same principle. To avoid war if possible, to purchase territory, rather than fight for it. All the strong objections urged against the measure at present adopted, apply with equal force to the measure adopted in 1803. The two laws contain precisely the same words, and neither specify the object of appropriation. The law of 1803 was passed in secret with closed doors. The law of 1806, was passed in the same manner. The appropriation in 1803, was not recommended by the executive, but founded on a resolution submitted by a member of the House of Representatives. The appropriation in 1806, was not recommended by the executive, but founded on a resolution submitted by a member of the House of Representatives also. The object of the appropriation in the year 1803, concealed from the people twelve months—in the year 1806, made public in a few weeks. Gentlemen may draw nice distinctions but they will find it difficult to make the people believe, that the measure adopted in 1803, was wise and virtuous, and the same measure in 1806, infamous. I appeal with confidence to the people, they will and must see that this is the very same measure adopted three years ago, without noise, in a law containing the same words, passed in secret in the same manner, and supported by the very persons who have denounced this measure.

When, however, this measure shall be fairly brought before the public, it will be found that notwithstanding the noise and clamour which has been made, the difference between the majority and minority on this question is not very considerable. Every member of the House of Representatives admitted the necessity of doing something. What were the remedies within our reach? 1st. To declare war. 2. Either to increase our standing army for the purpose of strengthening our ports or holding in readiness a detachment of militia. 3. To exchange territory or to purchase.

As to the first of these, declaring war, no member of the House of Representatives wished to pursue that course. The gentleman from Virginia certainly did not. His report speaks only the language of peace—all the evils of war to this country are dwelt on in that report with care and labor. If, however, we had not this proof, that he did not wish for war with Spain, he has given unequivocal proofs of it in his arguments on another question. A war with Spain, we know, must be a war with Spain and France combined. They are joined by alliance offensive and defensive. To a war against France and Spain combined, all the objections urged against war with England, would apply with full force. If war with England would have increased executive patronage, and endangered the constitution and the liberty of the people, so also would war with France and Spain combined—we put war aside therefore, as a course which no man wished to pursue. The next course was either to increase our standing troops, or to hold in readiness a detachment of militia. Here was room for an honest diversity of opinion. A majority of the House preferred depending on a militia—I was of that number. I thought the standing troops in that country sufficient for the protection of it, unless Spain determined to force a war. Subsequent events have shown the correctness of that opinion. No violation of territory has taken place since the case of the Kempois, except by twenty Spaniards, who crossed the Sabine, and were driven off by the American troops. The next course was either to exchange territory, or to purchase. A majority of the House were in favor of both. I was of that number. On the east side of the Mississippi there was territory to which Spain had an undoubted right. There was territory to which the United States had an undoubted right.—And there was territory which Spain and the United States, both claimed. On the west side of the Mississippi, the situation was the same. Each nation had an undoubted right to territory, and there was territory claimed by both. It was not to be supposed that Spain, while she held the territory to the east of the Perdido, would be disposed to relinquish the claim which she sets up to the country between the Perdido and Mississippi. It was necessary to purchase the territory to the east of the Perdido, to which Spain has an undoubted right, and after disposing of

which, it would certainly be her interest to relinquish her claim between the Perdido and Mississippi, on obtaining an equivalent surrender on the part of the United States, to claims west of the Mississippi. I see nothing dishonorable in this transaction, and really it appears to me that the difference between the majority & minority is narrowed down to this. The majority were in favor of militia. The minority were in favor of exchange and of purchase. The minority in favor of exchange only.

On the importance of Florida to the United States, I shall not say any thing. The foes to this measure have admitted its importance in the fullest extent, and their willingness to acquire it on fair and honorable terms. All their objections have been made not to the purchase but to the mode. It is said we have appropriated money not for the purchase of Florida, but to induce France to bully Spain out of her right.

On this subject, I have never had but one opinion. I have always believed, and I still believe, that the money will be fairly employed in purchasing Florida of the rightful owner. The gentleman from Virginia will do me the justice to recollect that I held this language with closed doors. I hold it now in the presence of the people. That France may ultimately get the money is highly probable, and why? Has not the gentleman from Virginia told us the sovereignty of Spain is annihilated, that the powers of her ministers are signed Charles Maurice Talleyrand? But of what importance is it to us what becomes of the money we pay Spain? Are we to become the guardians of Spain? Shall we not purchase a territory important to the United States, because Spain may be bullied or cheated out of the money she receives from us? If Spain is really in such a degraded state that she has no will of her own, has her conduct towards the United States, been such, as to induce us not to avail ourselves of the situation in which we find her? For my own part, I care not what use Spain makes of the money paid to her for Florida. It is of no importance to me as a representative, nor to the people. That the purchase will be fairly made of Spain, and the money paid to Spain, I have no doubt. The government dare not employ it in any other way.

I shall vote for amending the journal, by inserting the message. I know, however, that this will not satisfy the gentleman. They will next want the correspondence of our foreign ministers and this they know cannot be printed? I am willing, with these observations, to trust my conduct with those by whom I am elected. A representative is not responsible for the wisdom of measures. All he is answerable for, is an honest exercise of his judgment. On the present, as on every other occasion, I am certain, I have not nearly exercised for the public good, that understanding which God and nature has bestowed on me.

(To be continued.)

FROM THE UNITED STATES' GAZETTE.

THE MEMORIAL OF SAMUEL G. OGDEN.

(CONTINUED.)

Your memorialist farther respectfully represents, that these letters were received by the President and Secretary so as to allow ample time for arresting the Leander before she had left the port of New York, if it had been the pleasure of government so to do, as the said ship did not leave the port of New York till the 2d day of February last.

From this statement your memorialist trusts it will appear that the secretary of state and the President of the U. States had full knowledge of the intentions of gen. Miranda, in respect to the province of Carraccas; and that they also knew that he was also making preparations at this port to carry these intentions into execution. That though the government would not directly aid the enterprise of gen. Miranda, yet they gave it their approbation, and by their approbation, and by their conduct encouraged your memorialist to involve himself in it. After this statement of facts, your memorialist hopes that it would not be improper if he adverts to the state of our political affairs at the time this vessel was equipped. The President in his message at the opening of Congress, had in effect represented the United States as on the eve of an inevitable war with Spain; nay, from that message it did appear that the most flagrant and violent acts of hostility had been committed by Spain on the territory, vessels and citizens of the U. States, and so far that there was an actual war between the two nations. At the moment too that these preparations were making, Congress were acting with closed doors, and in the opinion of the world were occupied about our relations with Spain; at this period war might have been made by the constitutional authori-

ty, and under that authority the President might have sanctioned a hostile military expedition, though there had been no public declarations of war. If Congress had seen fit to wage war with Spain, and it had been thought proper to carry on secret enterprises before the declaration was made, the executive would have been the organ through which such enterprises must have been executed. When, therefore, your memorialist was certain that the President and Secretary of State had a perfect knowledge of the intentions of Gen. Miranda, and that he was making preparations to carry them into execution—when your memorialist found that no measures were taken to check those preparations by the Executive—and when, in addition to all this, your memorialist found that the bill for preventing the exportation of arms had been arrested in its progress; according to the prediction of the secretary of state, your memorialist could not but conclude that the expedition of gen. Miranda, not only met the approbation of government, but that it was sanctioned by the laws—your memorialist could not have believed that the executive officers of the government seeing preparations for an illegal enterprise, and possessing power to arrest them in their progress, could calmly look on at the mischief was complete, and then punish the offence that they had thus encouraged, and might have prevented. If the object of government was only the punishment of crimes, such might have been the conduct of its officers; but if governments are instituted to be the guardians of the peace, happiness and tranquility of society, and of all its members then it is criminal in its officers to nurse and nourish an offence till it shall attain its maturity, that it may be a fit object for giving effect to the sanctions of the criminal code.

Your memorialist further respectfully represents, that on the 1st day of March last he was arrested on a warrant, issued by the hon. Matthias B. Tallmage, esq. Judge of the district court of the United States for the district of New York, and thereupon was carried before the said Judge, whom he found attended by the district attorney of the United States, and some other officers of the court—that your memorialist was informed that he was then before the court in three capacities—that in the one he was to be examined as a person charged with the offence mentioned in the warrant; and in the other as a witness against others who were parties in the same offence—that he would be at liberty to answer or not, as he should think proper, such questions as should be put to him in the first capacity; but that the court would compel him to answer the interrogatories that would be put to him as a witness—that your memorialist was first examined by the said Judge and Attorney, as a party accused, which examination having been reduced to writing, was signed by your memorialist—that your memorialist was then sworn as a witness; and the Judge having informed your memorialist that he would then be compelled to answer such questions as should be put to him, your memorialist remonstrated with the judge as to the legality of obliging your memorialist to answer in any capacity, whether as a witness or as an accused party, questions which might tend to criminate himself—that the Judge thereupon informed your memorialist, that he was not bound to make answers by which he would be criminated; but notwithstanding, questions were immediately put to your memorialist, the answers to which must directly exculpate or criminate him; and among other questions of this character, your memorialist was asked of what the cargo of the ship Leander, which had lately sailed from the port of New York, consisted and to what place or port she was bound; that on these questions being put, your memorialist said, that he did not conceive by law he was bound to answer, and finally refused to answer them; whereupon the judge ordered your memorialist to be committed, and directed a warrant to be made out for sending him to prison; that your memorialist being ignorant of the laws, and not being certain how far he was justifiable in refusing to answer the questions that were put to him, prayed that the examination might be postponed for a little time, that he might have an opportunity of considering whether he ought to make the answers required of him. But the Judge insisted on your memorialist's answering immediately—that your memorialist then prayed leave to send for counsel; but this prayer the Judge peremptorily refused. That your memorialist finding that he should be sent to prison if he persisted in his refusal, and that if he should be so, that it would be ruinous to his mercantile concerns, and distressing to his family, did answer the questions that were put to him, not however without objecting from time to time to such questions as your memorialist thought were illegal, but which were al-